

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

ENCOMPASS HEALTH  
REHABILITATION HOSPITAL OF  
TEXARKANA, INC.,

Plaintiff,

V.

CIVIL ACTION NO. 5:22-CV-148-RWS-JBB

SECRETARY, U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,

Defendant.

## ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge, which recommends that Plaintiff's motion for summary judgment (Docket No. 24) be denied, Defendant's motion for summary judgment (Docket No. 29) be granted, and the final decision of the Secretary be affirmed. Docket No. 35. Plaintiff Encompass Health Rehabilitation Hospital of Texarkana, Inc. initiated this action pursuant to 42 U.S.C. §§ 405(g), 1395ff(b)(1)(A), seeking judicial review of a final decision by the Defendant Secretary of the Department of Health and Human Services. Docket No. 1. The case was referred to United States Magistrate Judge J. Boone Baxter in accordance with 28 U.S.C. § 636.

Because no objections have been received, any aggrieved party is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations. Moreover, except upon grounds of plain error, an aggrieved party is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017);

*Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in the above-captioned case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

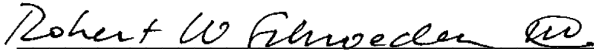
**ORDERED** that the Plaintiff's motion for summary judgment (Docket No. 24) is **DENIED**. It is further

**ORDERED** that Defendant's motion for summary judgment (Docket No. 29) is **GRANTED**. It is further

**ORDERED** that the final decision of the Secretary is **AFFIRMED**. It is further

**ORDERED** that the above-captioned case is **DISMISSED WITH PREJUDICE**.

**So ORDERED and SIGNED this 31st day of March, 2025.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE